

**KITTITAS COUNTY  
LAND USE HEARING EXAMINER**

**IN THE MATTER OF** \_\_\_\_\_  
**CU-21-00002**  
**Sweetwater Ranch**

\_\_\_\_\_  
**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW,**  
**CONDITIONS OF APPROVAL**  
**AND DECISION**

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on December 9, 2021, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and Decision:

**I. FINDINGS OF FACT**

1. The proposed project will establish a Small-Scale Event Facility that will hold events including but not limited to weddings, barbecues, graduation parties, full season recreational activities, and other similar styled events ranging in size from 250 to 275 people, on approximately 68.80 acres. The subject property is zoned Agricultural-20.

2. Location: Two parcels #205736 and #558434, in a portion of Section 29, T19, R19, WM in Kittitas County, bearing Assessor's map numbers 19-19-29000-0023 and 19-19-29000-0022.

3. Site Information:  
 Total Property Size: 68.80 Acres  
 Number of Lots: 2  
 Domestic Water: Existing Well (For Residential Use Only)  
 Sewage Disposal: Group A Well (proposed for Event Facility)  
 On-Site Septic (For Residential Use Only)  
 Portable toilets and hand washing stations (proposed for Event Facility)  
 Fire Protection: KVFR - Fire District 2 (Ellensburg)  
 Irrigation District: N/A

4. Site Characteristics:  
 North: Primarily forested privately-owned lands with residential uses.  
 South: Primarily Agricultural lands with residential uses.  
 East: Primarily forested lands with residential uses.  
 West: Primarily Agricultural lands with residential uses.

5. Access: The site is accessed from Charlton Road, a Public Right of Way, approximately .25 miles west of the Nanum Road and Charlton Road intersection.

6. The parcel involved in this proposal is in a land use designation of Rural Working and zoning designation of Agricultural-20. The proposed project is classified as a "Small-Scale Event Facility" use. Small-Scale Event Facilities are an allowed use within the Agricultural-20 Zone under KCC 17.15.060.1 with a conditional use permit. These criteria are examined below in this decision.

7. A conditional use permit application for Sweetwater Ranch (CU-21-00002) was submitted to Kittitas County Community Development Services Department on January 11, 2021 as an Administrative Conditional Use application and updated to a full Conditional Use application on February 19, 2021. The application was deemed complete on February 22, 2021. The site was posted in accordance with KCC 15A.03.110 on February 26, 2021.

8. A notice of application for the Sweetwater Ranch Conditional Use Permit (CU-21-00002) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcels & applicable agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on March 9, 2021, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period concluded on March 24, 2021.

9. The Kittitas County Comprehensive Plan has established specific goals and policies associated with Rural Resource lands. The Rural Working land use designation "encourage farming, ranching and storage of agriculture products, and some commercial and industrial uses compatible with the rural environment and supporting agriculture and/or forest activities." The following goals and policies guide activities on Rural Resource lands throughout the County. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

9.1 RR-G9: The County should continue to explore ways to provide rural economic opportunity.

9.1.1 The proposed project is intended to provide an event facility for hosting gatherings such as weddings, barbecues and graduation parties in existing structures. The applicants continue to use the land for agricultural purposes as well as their main residence. The proposed event facility will provide economic opportunities by creating possible jobs to local businesses that cater to events such as weddings, while keeping the rural character.

9.2 RP-15: Give preference to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.

9.2.1 The proposed project will allow the lands to continue to be used as agricultural, as well as serving tourism for events held at their facilities. This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as set forth above.

10. Critical areas on the project parcel includes two (2) type 2 streams. One (1) of the Type 2 streams is within Shoreline Jurisdiction of the State, including multiple wetlands contiguous with the Shoreline Jurisdiction. These wetlands were identified as wetland A and B of the Critical Areas Report. Both wetland A and wetland B are categorized as Category II wetlands

and have a 200-foot Wetland Buffer for High Intensity Use and Development (KCC 17B.50.020G-1).

11. Yakama Nation and DAHP requested a Cultural Resources Survey. Staff determined the project was exempt from the Cultural Resource Survey request per Kittitas County Code (KCC) Shorelines 17B.05.010 Cultural, archaeological and historical resources) due to the project not including any ground disturbing activities. The proposal has been conditioned to address any future expansion needs and the requirements for an Amendment to the Conditional Use Permit.

12. A SEPA Checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. During the combined comment period environmental concerns were raised by public agencies and a neighborhood. CDS has considered these comments and found no significant environmental risks with the proposed project. Following the concurrent comment period, CDS issued a Mitigated Determination of Non-Significance on November 18, 2021. The appeal period for the SEPA MDNS concluded on December 6, 2021. No appeals were filed.

13. Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following entities and individual provided substantive comments during the comment period.

14. Agency Comments: Kittitas County Community Development Services – Building Department, Department of Ecology, Washington State Department of Drinking Water, Kittitas Valley Fire and Rescue, Kittitas County Public Health, Kittitas County Public Works, Washington State Department of Fish and Wildlife, Yakama Nation – CRP, Kittitas County Fire Marshal:

14.1 Washington State Department of Archaeology and Historic Preservation (DAHP): DAHP provided comment in regards to their statewide predictive model indicating high probability of encountering cultural resources, the proximity of the project to Nanenum Creek and multiple archaeological sites recorded near the proposed project area. DAHP recommended a professional archaeological survey of the project area. DAHP later modified their comments indicating that a professional archaeological survey was no longer required.

14.2 Washington State Department of Health – Office of Drinking Water (WSDOH-ODW):

WSDOH-ODW provided comment stating that due to the applicant stating that no water would be provided for either consumption or toilet use, WSDOH-ODW had no further comments. The Applicant indicated that they may try to arrange for a water right to allow drinking water to be a part of this project through well water and a Group A water system.

14.3 Kittitas County Public Health: KCPH provided comments in regards for the need of an approved Group A well by WSDOH if the event center has bathrooms, kitchen for food preparation or any structure allowing the public to have access to the water system, all caterers needing appropriate licensing and current foodservice permits and valid food handler cards,

- the need for a commissary kitchen for refilling of clean potable water and disposing of all grey water and ware washing, the need for plan review and approval for any kitchen plans on the site, the need for wastewater needing to be accommodated through enough portable toilets to accommodate the maximum occupants of the building (including employees) and if in the event a subsurface sewage system is installed a site evaluation will need to be completed as well as design drafted by a licensed designer in Washington State and a final inspection with Public Health prior to use.
- 14.4 Kittitas County Public Works:  
KCPW provided comments regarding grading permit, engineered stormwater plans, entrance markings, access permit requirements, the project being located within the 100 year floodplain and any additional development should remain outside the floodplain to reduce risk and avoid mandatory flood insurance purchase requirements, floodplain development permits.
- 14.5 Washington State Department of Fish and Wildlife:  
WDFW provided comments in regard to the critical areas located on the property and the possible impacts on fish and wildlife conservation areas, shrub steppe habitat, Naneum Creek and the associated riparian area, Channel Migration Zone, concerns with parking are D and E (and potentially C depending on the extent) all located within the shrub steppe habitat. WDFW requested that parking areas B, D and E be configured to avoid habitat impacts or mitigation for habitat impacts be proposed to offset these impacts. WDFW stated concerns for the proposed trails and fire wising extents and the need for these items to be shown on a site plan for better understanding of the impacts, if the proposed water right impacts on instream flows, WDFW would need to be involved and consulted. The Applicant and WDFW resolved all of WDFW's concerns through modification of the site plan.
- 14.6 Washington State Department of Ecology:  
DOE provided comments regarding Shorelands/Environmental Assistance, Water Quality and Water Resources. DOE submitted concerns for the Parking Area B of the site plan and requested a joint onsite visit, as well as concerns for the Critical Areas Report buffer for Category II wetlands, stating that the wetland are associated with Shoreline Jurisdiction and need to be regulated under the Counties Shoreline Master Program (SMP) rather than the Critical Areas code. Concerns regarding potential discharge off-site and the possible need for a NPDES Construction Stormwater General Permit. DOE stated the applicant should contact DOE in regards to water availability in the proposed project area as obtaining a water right is difficult  
Kittitas County Fire and Rescue (KVFR):  
KVFR provided comments in regards to a Fireflow plan, the response time being 15+ minutes in this vicinity, necessary ongoing vegetation management needs around structures, tents and parking areas, in addition to the WUI code compliance, the need for 2 separate access/egress roads and compliance with Appendix D of International Fire Code, Bridges needing to be engineered and posted with weight limits, clear addressing and site map at the entrance and the need for Knox access for buildings and any locked gates. Based on the comments of the Kittitas County Fire Marshal, the two separate access/egress roads were not required as part of this project.
- 14.7 Kittitas County Fire and Rescue (KVFR):  
KVFR provided comments in regards to a Fireflow plan, the response time being 15+ minutes in this vicinity, necessary ongoing vegetation management needs around structures, tents and parking areas, in addition to the WUI code compliance, the need for 2 separate access/egress roads and compliance with Appendix D of International Fire Code, Bridges needing to be engineered and posted with weight limits, clear addressing and site map at the entrance and the need for Knox access for buildings and any locked gates. Based on the comments of the Kittitas County Fire Marshal, the two separate access/egress roads were not required as part of this project.
- 14.8 Kittitas County Fire Marshal (received after the comment period):  
The Fire Marshal's Office provided comments in regards to the width of the driveway, required turnaround radius, building occupancy load max of 295, draft

- hydrant accessibility, egress door requirements, a fire sprinkler system not being required for the occupancy load, and the facilities being subject to annual fire life and safety inspections:
- 14.9 Kittitas County Community Development Services – Building Department:  
 KCCDS – Building Department provided comments stating that all buildings (renovated, new, or structures proposed for a change of use to commercial), shall be regulated by and permits required under all the current adopted building codes in Kittitas County Code 14.04 at the time of submittal.
15. The following public comments were received:  
 15.1 Darrell Hodaley (Skip) submitted comments regarding his well being monitored for the last three years, twice yearly, and the static water level being reduced 20 feet from May 1, 2020 through October 1, 2020. Mr. Hodaley stated his concern with the dramatic reduction in water availability and the possible impacts the CUP will have on existing wells in the vicinity. Staff represented at the hearing that Mr. Hodaley's concerns have been resolved after his communications with the Department of Ecology.
16. In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements.
17. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The following Comprehensive Plan goals and policies apply to this proposal: RR-G9, and RP-15.
18. Provided the applicant follows and maintains the goals and policies, they shall be in compliance with the Kittitas County Comprehensive Plan.
19. KCC 17.60A.015 provides the following review criteria to be considered in a conditional use analysis:  
 19.1 The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.  
 19.1.1 Applicant Response: "In regard to public health concerns this proposal is using an existing site with existing structures on site. The subject property currently contains existing water rights that will also serve this proposal (irrigation/possible domestic needs etc.). The applicant is currently in the process of obtaining water rights, that may serve this proposal. This proposal could include onsite catering whether this is provided directly by the applicant, who contains a catering license, or the event applicant hiring a catering company to provide services for the event. This catering will include the ability to require event applicants to provide their own beverages/water for their events, if needed. By allowing the Events to provide their own water is an additional benefit to the public health, safety and Welfare by not using existing water from onsite.

An additional benefit to the Public Health, Safety and Welfare is that this project will provide the use of the portable toilets, therefore not discharging waste material into the ground.

The applicant contains existing irrigation water rights and will be continuing their pasture irrigation and other agricultural uses associated with water. This provides a benefit to the public health, safety and Welfare, as this irrigation of the pastures land will provide fire suppression, of the surrounding grounds, that could occur.

The Public Peace of the county will also be benefited by approval of this proposal by the following:

This proposal has placed the event facilities on two parcels, totaling 68.83 acres, and more specifically somewhat in the center of the proposed site location. This location provide buffers to the north and east with dense vegetation that will provide noise reduction along with being 493 feet from the closest point of the western property line to the main event facility and just over 1,000 feet to the existing neighbors home from the main event facility. It's important to also note that the open side pole barn event facility is located farther to the north at an estimated 2,000 feet. With these distances and dense vegetation buffers, at the same time incorporating the Kittitas County Noise Ordinance that provides time limitations for events, this proposal has provided more than ample enough of thought and protection of the public peace for this proposal.

The Public Safety of the county will also be benefited by approval of this proposal by the following:

This proposal will also provide safe year-round access for health and personal safety emergencies on a well-maintained private gravel driveway on site and also off of surrounding public county roads in the area like Nanenum, Chariton and numerous other roads in the area. These roads, being county-maintained roads, not only reduce the risks to individual users but also reduce the risks to the community at large.

19.1.2 This proposal also provides for an open ingress and egress of the facilities event structures (open pole barn & Barn containing multiple accesses). Furthermore, fire extinguishers located throughout the facilities, with the guidance of the County Fire Marshal, and the ability to use the existing irrigation water further assists in controlling any potential fire incidents. These components of the project by themselves meets the criteria for providing public safety benefits and combined provide a standard that cannot be achieved in many other areas of the rural county.

The Public Welfare of the county will also be benefited by approval of this proposal by the following:

A benefit to the Public Welfare is that the applicants existing event facility structures are located outside of the designated wetlands and their associated buffer distances in perpetuity. By abiding by these buffers and the event facilities located outside of the shoreline designated areas will further preserve the Nanenum Creek and its associated riparian areas at the same time the applicants, may in the future, create trails throughout the property therefore providing some additional slower type of recreation as part of this event facility proposal." 18.1.3

- 19.1.3 Hearing Examiner Finding: The proposal for a Small-scale event facility is an allowed use within the Agricultural 20 zone. The proposal is located on approximately 68.83 acres and the facility will consist of existing structures. The property is located near a few residences and agricultural lands. CDS does not anticipate the proposed use as conditioned will be detrimental or injurious to the public health, peace or safety or to the character of the surrounding neighborhood.
- 19.2 The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that:
- a. The proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or
  - b. The applicant shall provide such facilities; or
  - c. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
- 19.2.1 Applicant Response: "This proposal, as the aforementioned describes will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services finding that that this proposal will use private funds to improve and maintain the existing driveway, parking areas, using existing structures already on site. The proposal will provide employees to manage the site creating a safe and protected environment for users. Furthermore, by having possible employee will provide an additional economic boost by creating possible jobs, even though these jobs may be seasonal. Access to the site will be open and maintained for the local fire district, sheriffs, and medical services in case emergency services are needed. An economic boost would be provided by holding events here would have impact on the local business, such as restaurants, local grocery stores, and hotels (for out-of-town guests) just to name a few."
- 19.2.2 Hearing Examiner Finding: As proposed, the project will be adequately serviced by existing facilities and will not require additional public costs. The Hearing Examiner finds no indication that the project will have a detrimental economic impact.
- 19.3 The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.
- 19.3.1 "The proposed use complies with Kittitas County Code 17.29 Agricultural-20 and the associated uses within that zone listed in Kittitas County Code 17.15. Event Facilities are considered a conditional use permit within this zone when they are proposing more than 8 events a year and exceeding 10,000 square feet." 19.3.2 Hearing Examiner Finding: The small-scale event facility use is consistent with the relevant development standards and criteria including KCC 17.15.060. The small-scale event facility is permitted in the Agriculture 20 zone through a Conditional Use Permit.
- 19.4 The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
- 19.4.1 Applicant Response: "This proposal is using existing infrastructure (existing driveways, structures, and pasture already on site all outside of identified

wetlands and staying outside of shorelines of Naneum Creek. By staying within the existing areas and using the existing structures this proposal is reducing material impacts and impacts to the environment." 19.4.2

Hearing Examiner Finding: The proposal, as conditioned, will mitigate material impacts of the development. Environmental impact mitigation has been addressed in the SEPA MDNS.

19.5 The proposed use will ensure compatibility with existing neighboring land uses. 19.5.1 Applicant Response: "This proposal is consistent with and characteristic of the existing development in the immediate vicinity of the subject properties. This proposal will enhance the surrounding properties by placing this event facility within 68.83 acres and maintaining the view-shed of the area along with not prohibiting or affecting the continuation of recreational uses or neighboring land uses within the area." 19.5.2 Hearing Examiner Finding: The character and scale of the proposed use will be compatible with adjacent uses.

19.6 The proposed use is consistent with the intent and character of the zoning district in which it is located. 19.6.1 Applicant Response: "This proposal provides for an area, within Kittitas County, to hold event facilities consistent with the allowed uses, specifically conditional uses under KCC 17.15, under the Agricultural-20 zoning. This proposal not only protects the existing farming, ranching and rural lifestyle characteristics but more importantly incorporates these characteristics into the proposal by continuing their uses." 19.6.2 Hearing Examiner Finding: The proposed use of a small-scale event facility is allowed in the Agricultural 20 zone with a Conditional Use approval

19.7 For conditional uses outside of Urban Growth Areas, the proposed use: 19.7.1 Applicant Response: "A. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural & Resource Lands. This conditional use proposal is consistent with the rural lands (Chapter 8) of the Kittitas County Comprehensive Plan, which allows for a variety of rural densities. The property is within the land use designation of "Rural Lands" as described in Chapter 8 of the comprehensive plan. The proposal meets the general policies and objectives (GPOs) for rural lands of the Kittitas County (KC) Comprehensive plan. For example, RR-G2, RR-G3, RR-G4, RR-G9, & RR-G25 gpo's are examples of consistency with KC Comprehensive Plan. See Exhibit D. B. Preserves "rural character" as defined in Growth Management Act (RCW 36.70A.030(15)). This proposal is consistent with preserving "Rural Character." This proposal will occur on a developable portion of land. This proposal has shown how



the event facility will be laid out protecting the natural visual landscape along Naneum Creek and identified wetlands. Event Users will hold their event for a short time than leave having minimal impact on the surrounding lands. This proposal is going to use private services therefore not requiring urban governmental services. As for the protection of surface and ground water flows, this proposal will be using its existing water rights for irrigation and with the possibility of water purchased from a private water bank (in process) or other allowed avenues. By doing this we are using land that has already existing structures, driveways and pastureland for parking therefore not being converted to development of sprawl and low density and incorporating the existing uses of agriculture such as ranching, cattle, horses, pasture ground etc. in this propose event facility.

C. Requires only rural governmental services; and the proposal is only using rural governmental service. Majority of the services will be provided and funded privately by the applicant. Furthermore, this proposal is within the rural area where city services are not supplied. Rural governmental service include Kittitas County Sheriff's Dept., local Fire District, local county roads and the local hospital district in the vicinity, all of which receive a share of taxes from landowners.

D. Does not compromise the long-term viability of designated resource lands.

This proposal/site does not compromise the long-term viability of designated resources, as this land and adjacent surrounding lands are not designated commercial resource lands (Commercial Forest & Commercial Agricultural of long-term commercial significance). More importantly there are required goals and policies that require protection of these types of commercial resource lands."

19.7.2 Hearing Examiner Finding: The proposal is consistent with the Kittitas County Comprehensive Plan as described above. The use will not conflict with rural character, requires only rural governmental services and will not compromise resource lands.

19.7.3 The Kittitas County Hearing Examiner finds the application, as conditioned, is consistent with KCC 17.60A Conditional Uses. The use will only require rural governmental services and does not compromise the long-term viability of any resource lands.

- 20. Consistency with the provisions of the KCC Title 14.04, Building Code: 20.1 Any future buildings must be consistent with International Building Codes.
- 21. Consistency with the provisions of KCC Title 12, Roads and Bridges: 21.1 As conditioned, the proposal is consistent with the provisions of KCC Title 12.
- 22. Consistency with the provisions of KCC Title 20, Fire and Life Safety: 22.1 As conditioned, the proposal is consistent with the provisions of KCC Title 20.
- 23. Consistency with the provisions of KCC Title 13, Water and Sewers: 23.1 As conditioned, the proposal is consistent with the provisions of KCC Title 13.

24. Consistency with the provisions of the KCC Title 17A, Critical Areas: 24.1 As Conditioned, the proposal is consistent with the provisions of KCC 17A.
25. An open record public hearing after due legal notice was held on December 9, 2021 via video conferencing due to the ongoing Covid-19 pandemic.
26. At the open record public hearing the following exhibits were entered into the record:
- 26.1 Ex. 1 Application
  - 26.2 Ex. 2 Sewall Critical Areas Report
  - 26.3 Ex. 3 Narrative
  - 26.4 Ex. 4 Receipt for originally applied for ACU 01-11-21
  - 26.5 Ex. 5 Receipt for Additional Fees for CUP 02-19-21
  - 26.6 Ex. 6 SEPA Checklist
  - 26.7 Ex. 7 Site Plan including All Amendment 11-16-21
  - 26.8 Ex. 8 Site Maps and Plan
  - 26.9 Ex. 9 Deemed Complete 2-22-21
  - 26.10 Ex. 10 Affidavit of Posting 2-26-21
  - 26.11 Ex. 11 GIS Maps
  - 26.12 Ex. 12 Affidavit of Mailing & Publication NOA
  - 26.13 Ex. 13 KVFR Comments 3-9-21
  - 26.14 Ex. 14 Washington State DOH-ODW Comments 3-9-21
  - 26.15 Ex. 15 Department of Archaeology & Historic Preservation Comments 3-17-21
  - 26.16 Ex. 16 Yakama Nation – CRP Comments 3-18-21
  - 26.17 Ex. 17 WDFW Revised Comments 3-19-21
  - 26.18 Ex. 18 WDFW Original Comments 3-19-21
  - 26.19 Ex. 19 WDFW Comments After Site Visit and Site Plan Revisions 7-13-21
  - 26.20 Ex. 20 Kittitas County Public Works Comments 3-19-21
  - 26.21 Ex. 21 Darrell Hoadley Comments 3-19-21
  - 26.22 Ex. 22 WSDOE Comments 3-22-21
  - 26.23 Ex. 23 Kittitas County CDS – Building Department Comments 3-24-21
  - 26.24 Ex. 24 Kittitas County Public Health Comments 3-24-21
  - 26.25 Ex. 25 Transmittal of Comments 3-29-21
  - 26.26 Ex. 26 Applicants Response to Comments 6-14-21
  - 26.27 Ex. 27 Transmittal of DOE and WDFW Site Visit Comments and RFI 7-15-21
  - 26.28 Ex. 28 Sewall Response to DOE Comments 9-30-21
  - 26.29 Ex. 29 Revegetation Plan 9-30-21
  - 26.30 Ex. 30 DOE Response to Sewall’s Response Letter 10-22-21
  - 26.31 Ex. 31 WDFW approval of Restoration Plan 10-18-21
  - 26.32 Ex. 32 Fire Marshal’s Comments 11-15-21
  - 26.33 Ex. 33 Correspondence
  - 26.34 Ex. 34 SEPA MDNS 11-18-21
  - 26.35 Ex. 35 Notice of SEPA Action and Public Hearing 11-18-21
  - 26.36 Ex. 36 Affidavit of Mailing and Publication Notice of SEPA Action and Public Hearing 11-18-21
  - 26.37 Ex. 37 Staff Report
  - 26.38 Ex. 38 Hearing Presentation.
  - 26.39 Ex. 39 Email string between staff and the Applicant’s representative

Based on the above Findings of Fact and Conclusions of Law, CU-21-00002 is hereby **APPROVED** subject to the following Conditions of Approval.

### III. DECISION

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interest will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety, Title 13 Water and Sewers and Title 20 Fire and Life Safety.
6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

### II. CONCLUSIONS OF LAW

- 26.40 Ex. 40 Document entitled "Sweetwater Due Diligence"
- 26.41 Ex. 41 December 9, 2021 letter from Chad Bala to the Hearing Examiner
27. Appearing and testifying on behalf of the applicant was Chad Bala. Mr. Bala testified that he was an agent authorized to appear and speak on behalf of the property owner and Applicant. Mr. Bala confirmed that there would be no restaurant or onsite food preparation, no transient lodging, vacation rentals or camping on the site and that all parking would be required to be onsite. Mr. Bala testified consistent with the application materials and his letter to the Hearing Examiner was admitted into the record as Exhibit 41.
28. No member of the public appeared at the hearing.
29. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
30. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the Applicant, and the Applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file with CDS dated January 11, 2021 and subsequent information included in the complete file index except as amended by the conditions herein. The proposal utilizes existing structures only. Any additional structures will require an amendment to the Conditional Use Permit.

Land Use

2. Parking for event is limited to Parking Areas C and D of the Revised Site Plan dated 11-16-21. Parking Area B and E were removed to address concerns with Shrub Steppe and Wetlands.

Water and Sewer

3. The applicant shall adhere to all KCC Title 13 requirements for water and sewer/On-site septic to the satisfaction of Kittitas County Public Health as noted in the comment letter submitted.

4. All caterers used to provide food on site for the public must be licensed and have a current foodservice permit, have valid food handler cards, along with a licensed and approved commissary kitchen for refilling of clean potable water and disposing of all grey water and ware washing. If there is a kitchen to be proposed they will need to do a plan review and submit the kitchen plans to Lucy Garcia.

5. Any wastewater will need to be accommodated through enough portable toilets to accommodate the maximum occupants of the building being used including employees. In the event a subsurface sewage system is to be installed in the future a site evaluation will need to be completed, followed up by a design drafted by a licensed designer in Washington State, lastly a final inspection with Public Health will be required before use.

Building

6. All new buildings, renovated buildings, or structures that will undergo a change of use, shall be regulated by and permits required under all the current adopted building codes in Kittitas County Code 14.04 at the time of submittal.

Transportation and Access

7. Grading over 100 cubic yards of material requires a grading permit. Any grading over 500 cubic yards of material will require engineered grading and storm water plans. See Kittitas County Code chapter 14.05

8. The entrance to the property shall be clearly marked during events
  9. An access permit is required to ensure the access meets Kittitas County Code and international Fire Code. The access road shall be a minimum of 20 feet wide and have an acceptable fire apparatus turnaround
- Flood
10. A portion of the properties included in this project are located within the 100-year floodplain. At this time a flood plain development permit is not required for the proposed project. If possible, any future development should remain outside of the floodplain in order to reduce risk and avoid mandatory flood insurance purchase requirements. All activities within the floodplain require a floodplain development permit. All construction, including structures that are exempt from a building permit, must follow the guidelines within KCC 14.08. Note that the floodplain information from FEMA is based on an approximate study. Please contact the Floodplain Manager at Public Works (509-962-7690) with any questions regarding the floodplain on these parcels and permitting questions.
- SEPA MDNS Conditions:
11. Wetland B, as is identified in the critical areas report submitted with the application, shall maintain a 200-foot buffer from the High Intensity Use and Development (Event Facilities). These requirements have been shown on the updated site plan submitted by the applicant on October 8, 2021.
  12. The applicant shall conform to the approved restoration/monitoring plan including revegetation of the disturbed areas of the creek and buffer located in the center of the property as identified on the plan within one (1) year of preliminary approval. Monitoring reports shall be submitted to Kittitas County CDS annually for three consecutive years from time of planting.
- Fire
13. Driveway must be at least 20ft wide.
  14. Driveway egress must have a 96' turnaround or loop road.
  15. Building occupancy load is 295 persons.
  16. A draft hydrant must be accessible onsite.
  17. Minimum of two egress doors must comply with IFC panic hardware, on opposing sides of the building.
  18. A fire sprinkler system is not required per occupancy load.
  19. Subject to annual fire life safety inspections.

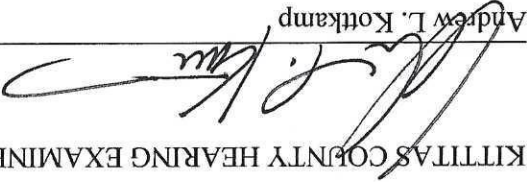
20. It is a proponent's responsibility to demonstrate compliance with the approval conditions of a conditional use permit. Compliance with all conditions must be demonstrated in writing to Kittitas County CDS prior to Final Conditional Use Permit issuance. Final approval of a Conditional Use Permit is required within 5 years of the approval date pursuant to KCC 17.60A.090.

Hearing Examiner Conditions

- 21. There shall be no onsite food preparation or restaurant facility onsite without further permitting, which may include amendment of this conditional use permit.
- 22. There shall be no onsite transient lodging or camping allowed on the premises without further permitting, which may include amendment of this conditional use permit.
- 23. All parking for all events shall occur onsite.
- 24. The Applicant shall comply with all noise regulations, including, but not limited to those of Kittitas County, as well as those stated in WAC 173-60.

Dated this 13th day of December, 2021.

KITTITAS COUNTY HEARING EXAMINER

  
Andrew L. Kottkamp

This Decision is subject to appeal pursuant to the Kittitas County Code and the Revised Code of Washington.